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IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGAH

W.P. NO. 312 OF 2005

Petitioners

1. Leela Ram Sahu
S/o Shri J.R. Sahu
Aged about 34 years
R/o Village – Nawagaon
Kandel,
Tahsil & Distt. Dhamtari

2. Dwarika Sahu,
S/o Shri Dheluram Sahu
Aged about 25 years,
R/o Vill. Nawagaon,
Kandel,
Tah. & Distt. Dhamtari

P.R. No. 2329/05
Presented by Shri Sanjay Sahu
dated 13.05.05

Versus

Respondents

1. State of Chhattisgarh
Through the Secretary
Deptt. Of Panchayat &
Social Welfare, D.K.S.
Bhavan, Raipur

2. The Director,
Deptt. Of Panchayat
Govt. of Chhattsigarh
D.K.S. Bhavan
Raipur

3. The Collector,
Distt. Dhamtari

4. Bhagwat,
S/o Shri Seuk Ram Sahu
Aged about 40 years
R/o Vill. Nawagaon,
Kandel,
Tah. & Distt. Dhamtari

5. Makhanlal,
S/o Shri Lalau
Aged about 38 years
R/o Vill. Nawagaon,
Kandel,
Tah. & Distt. Dhamtari

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT/WRITS, IN THE NATURE OF QUO-WARRANTO AND/OR ORDER/ORDERS,. DIRECTION/DIRECTIONS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..W.P.No...3112 सन् 05 **200**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22-7-2005

Shri Ranbir Singh, counsel for the petitioners.

Shri Sandeep Dubey, G.A. for the State/respondents No.1 to 3.

Heard both the counsel.

The petitioners have preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ of quo-warranto and declaring that respondents No.4 and 5 are not qualified to hold the posts of Sarpanch and Panch respectively in view of the provisions of Section 36 (1) (q) of the Chhattisgarh Panchayat Raj (Sanshodhan) Adhiniyam, 2004 which envisages that no person shall be eligible to be an office-bearer of Panchayat who has encroached upon any land or building of Panchayat or Government.

The case of the petitioners is that respondents No.4 and 5 had encroached upon the Government land.

The point raised by the petitioners in this petition requires enquiry as to whether any encroachment was, in-fact, made by respondents No.4 and 5 before the nomination paper was filed by them and they suppressed that fact at that time. Since disputed facts cannot be enquired into in the writ jurisdiction, the petitioners are directed to make an application before the S.D.O. and the S.D.O. is directed to enquire into the complaint and decide the same in accordance with law. If the petitioners are dissatisfied with the finding of S.D.O., then they are at liberty to approach this Court.

With the direction aforesaid, the petition stands disposed of.

Consequently, M. (W.) P. No. 2606 / 2005 and I.A. No.6069 / 2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

(पाछ देखिये)